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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,597	03/21/2005	Olivier Trinchero	PF020121	8256

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JOSEPH J. LAKS, VICE PRESIDENT
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PATENT OPERATIONS
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EXAMINER

JIANG, YONG HANG

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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09/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,597

Applicant(s)

TRINCHERO ET AL.

Examiner

Yong Hang Jiang

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/21/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the limitation "preferentially" on line 7 renders the claimed indefinite as it is unclear what is preferential.

Regarding claim 1, the phrase "such as" on line 2 renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 1, the word "it" on line 9 renders the claimed indefinite as it is unclear what "it" is referring to. For the purposes of examination, the examiner is interpreting "it" to be the method of control of electronic appliances for the purposes of examination. Appropriate correction is required.

Claims 2-7 depend on claim 1; therefore they suffer the same deficiency.

4. Claims 8-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the remote control", "the plurality", and "the whole collection" in lines 1, 3 and 5 respectively. There is insufficient antecedent basis for these limitations in the claim.

Claim 8 recites the limitation "favored manner" on line 6, it is unclear what is a favored manner. Appropriate correction is required.

Claims 9-18 depend on claim 8; therefore they suffer the same deficiency.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Griesau et al. (US 2004/0075602).

Regarding claim 1, Griesau et al. disclose a method of control of at least one electronic appliance with the aid of a distant device (via remote control unit 10, Figure 1) comprising means of control (via keyboard 30 including a CHANNEL push button 31, a VOLUME push button 34, and a plurality of numbered push buttons 36, Paragraph 33) and a means of selection (via mode push buttons consisting: Cable 52, TV 54, Video 56, and 58 Audio) of an appliance from amongst several, each means of control being associated with a code predefined in the device (via control codes in the memory 70, See Paragraph 35), each appliance also inherently being associated with a code predefined in the device (codes associated with mode push buttons 52, 54, 56, and 58), said method comprising a step of activating the device in a first mode (via single appliance mode, see Paragraph 40 and step 114 on Figure 3) where the means of control (keyboard 30 including a push button 31, 34, and a plurality of numbered push

buttons 36) preferentially command the appliance selected by the means of selection (mode push buttons), wherein the method furthermore comprises the steps:

Inherently programming at least one association between a means of control and an appliance in order for the distance device (remote control unit 10) to work on the appliance, activating the distant device (remote control unit 10) in a second mode (multi-device mode) so as to render active all the associations performed during the programming step, said activating step being triggered by the means of selection (via mode push button Cable 52 configured as smart key to activate multiple appliances, See Paragraph 47), the activation of a means of control in the second mode consisting in transmitting at least the predefined code associated with the activated means of control and the predefined code of at least one appliance associated during the programming step. (See Paragraphs 11, 31, 35, 38-41 and 45-56; and Figures 1-4).

Regarding claim 7, Griesau et al. disclose the programming step makes it possible to define at least one set of associations, and in that it comprises a step of selecting a set of associations (via push button Cable 52 configured as smart key) making it possible to activate this set when the device is in the second mode. (See paragraphs 46-56)

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 8, 11-12 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Stacy et al. (6,127,961).

Regarding claim 8, Stacy et al. disclose a device (via remote control transmitter 10) for the remote control of a plurality of electronic appliances, comprising means of control (via command buttons on the remote control transmitter) and a means of selection (via mode switch 14) of an appliance from among the plurality, each means of control being associated with a code predefined in the device (via control codes in memory 54), each appliance also being associated with a code predefined in the device (via codes associated with mode switch 14), the whole collection of means of control commanding in a favored manner the appliance selected by the means of selection, wherein it comprises: a means of programming of at least one association between at least one means of control and at least one appliance (via programming the transmitter to transmit the appropriate control codes in response to the input of a brand code sequence for the operation of the transmitter on an appliance), a means of activation (via mode switch 14) of all the associations programmed so that each associated control commands the appliance which is associated therewith by the programming means so that the activation of a means of control (command buttons on the remote control transmitter) triggers the transmission of at least the predefined code associated with the activated means of control and the predefined code of at least one appliance associated by the programming means. (See Col. 2, line 9 to Col. 3, line 19; and Figures 1-2)

Regarding claim 11, Stacy et al. disclose a means of display of an identifier of the appliance (via LEDs 24, 26, 28, 30 and 32); said means being activated when a means of control associated with this appliance is activated. (See Col. 2, lines 24-30)

Regarding claim 12, Stacy et al. disclose the means of display of an identifier of appliance is integrated into the means of selection of an appliance (via LEDs 24, 26, 28, 30 and 32 associated with mode switch 14). (See Col. 2, line 9 to Col. 3, line 19; and Figures 1-2)

Regarding claim 17, Stacy et al. disclose the means of selection of appliance consists of a switch comprising as many positions as appliances to be commanded plus a position activating the programmed associations (via mode switch 14 activating the various operating modes). (See Col. 2, line 13-15)

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griesau et al. as applied to claim 1 above, and further in view of Stacy et al. (US 6,127,961).

Regarding claim 4, Griesau et al. disclose the structural elements of the claimed invention but failed to disclose the method comprises a step of displaying a visual

identifier of an appliance, said step being triggered when the device is in the second mode and when the user activates a means of control associated with this appliance.

Stacy et al. disclose a method of using a programmable remote control having a step of displaying a visual identifier of an appliance (via plurality of LEDs 24, 26, 28, 30 and 32) being controlled, said step being triggered by a mode switch (14). (See Col. 2 line 9-30)

From the teachings of Stacy et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Griesau et al. to include a step of displaying a visual identifier of an appliance, and said step being triggered when the device is in the second mode and when the user activates a means of control associated with this appliance in order to tell which appliance is being controlled.

Conclusion

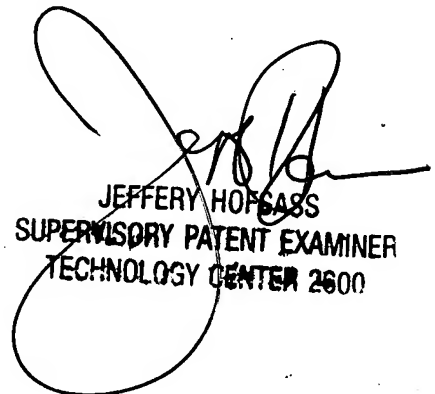
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Hang Jiang whose telephone number is 571-270-3024. The examiner can normally be reached on M-F 7:30 am to 5:30 pm alternate fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YHJ



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